

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TIMOTHY C. HARRY and)
KAREN C. HARRY)
Plaintiffs)
v.) Case No.: 1:16-cv-10895-FDS
)
APEX MORGAGE SERVICES LLC, et al.)
Defendants)

)

MOTION FOR ENTRY OF DEFAULT
AGAINST APEX MORGAGE SERVICES LLC

Plaintiffs Timothy C. Harry and Karen C. Harry (“Harry”) by and through their undersigned counsel, respectfully request the Clerk of Court enter default judgment against defendant APEX MORGAGE SERVICES LLC pursuant to Federal Rule of Civil Procedure 55(a).

Dated this 6rd day of June, 2016.

By Plaintiffs’ Attorney

/s/ Tina L. Sherwood
Tina L. Sherwood BBO# 662047
17 Main ST
Hopkinton, MA 01748
(617) 930-3533

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KAREN C. HARRY)	
Plaintiffs)	
)	
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)	
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Defendants)	
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AFFIDAVIT IN SUPPORT OF MOTION FOR DEFAULT

I, TINA L. SHERWOOD, being duly sworn, state as follows:

1. I am the Attorney for the Plaintiffs in the above entitled action and I am familiar with the file, records and pleadings in this matter.
2. The Complaint was filed on March 25, 2016 with the Barnstable County Superior Court.
3. Plaintiffs served the Complaint and Summons on the Defendant APEX MORGAGE SERVICES LLC on April 27, 2016 with the Massachusetts Secretary of State's office Process Servicing, Patricia Hennessy at 1 Ashburton Place, Boston, MA.
4. This matter was removed to United States District Court on April 21, 2016 by another defendant.
5. An answer to the complaint was due on May 25, 2016.
6. Defendant APEX MORGAGE SERVICES LLC has failed to appear, plead or otherwise defend within the time allowed and, therefore, is now in default.

7. Plaintiffs, requests that the Clerk of Court enter a default against the Defendant
APEX MORGAGE SERVICES LLC.

/s/ Tina L. Sherwood

Attorney for the Plaintiffs
Tina L. Sherwood
BBO# 662047
17 Main ST
Hopkinton, MA 01748
(617) 930-3533

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex

On this 6th day of June 2016, before me, the undersigned notary public, personally appeared TINA L. SHERWOOD, proved to me through satisfactory evidence of identification, which was her driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

/s/ Vera Necev

Notary Public: Vera Necev
My Commission Expires: 04/18/2019

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)	
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Defendants)	
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ENTRY OF DEFAULT

Plaintiffs Timothy C. Harry and Karen C. Harry (“Harry”) request that the clerk of court enter a default judgment against Defendant APEX MORGAGE SERVICES LLC pursuant to Federal Rule of Civil Procedure 55(a). It appearing from the record that the Defendant APEX MORGAGE SERVICES LLC has failed to appear, plead or otherwise defend, the default of the Defendant APEX MORGAGE SERVICES LLC is hereby entered pursuant to Federal Rule of Civil Procedure 55(a).

Dated this 6th day of June, 2016.

Clerk of Court

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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CERTIFICATE OF SERVICE

I, TINA L. SHERWOOD, Attorney for the Plaintiffs TIMOTHY C. HARRY, and KAREN C. HARRY, am of such age and discretion as to be competent to serve papers.

I further certify that on this date I caused a copy of the Motion for Entry for Default, Affidavit in Support of Motion for Default and proposed Entry of Default to be placed in a postage paid envelope addressed to the Defendant APEX MORGAGE SERVICES LLC at the address stated below, which is the address required and on file with the Commonwealth of Massachusetts for service of process and deposited said envelope in the mail.

Address: Massachusetts Secretary of State Process Server Patricia Hennessy at 1 Ashburton Place, Boston, MA 02018.

Dated this 6th day of June, 2016.

/s/ Tina L. Sherwood
Attorney for the Plaintiffs
Tina L. Sherwood
BBO# 662047
17 Main ST
Hopkinton, MA 01748
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